

**IN THE COURT OF APPEALS OF MARYLAND**  
**AMENDING ADMINISTRATIVE ORDERS AS TO THE JUDICIAL INSTITUTE**  
**AND JUDICIAL ABSENCES FOR INSTITUTE PROGRAMS**

WHEREAS, The Judicial Institute of Maryland (hereinafter "Judicial Institute") was created by Administrative Order dated August 24, 1981, on recommendation of the Committee on Judicial Education and Training, with subsequent changes made by Administrative Orders dated August 3, 1983, June 30, 1988, September 15, 1992, June 24, 1996, September 6, 1996, and December 12, 2000; and

WHEREAS, The Judicial Institute has served judges of all of the courts in the Maryland Judicial Branch created under Article IV, § 1 of the Maryland Constitution, except for orphans' courts, and the time has come that provision ought to be made for appropriate educational programs for judges of orphans' courts through the Judicial Institute; and

WHEREAS, It has been brought to my attention that some retired judges approved for recall under Maryland Constitution, Article IV, § 3A and Maryland Code, Courts and Judicial Proceedings Article, § 1-302 attend programs of the Judicial Institute, while others lack notice of its programs, and it is appropriate that all former judges approved for recall receive timely notice; and

WHEREAS, The policy traditionally has been for budgetary formulations and expenditures to be directed towards development of instructors from the Maryland bench, but it is appropriate also to ensure that expenditures of budgeted funds for non-Maryland instructors be approved in advance; and

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WHEREAS, Provisions as to attendance at Judicial Institute programs need clarification; and

WHEREAS, Provisions as to judicial absences for Judicial Institute purposes is required;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Constitution, this 18th day of September, 2006, effective immediately, do hereby ORDER that the Administrative Order dated December 12, 2000, be rescinded and this new Order governing the Judicial Institute be adopted to read as follows:

1.     Statement of Purpose. The Maryland Judiciary recognizes the value of judicial education as a most effective means of enhancing the equitable and efficient administration of justice. The Judicial Institute was established to provide comprehensive, relevant, diverse and cost-effective continuing legal education to the judges of Maryland. It is the responsibility of the Institute to offer annually to the Judiciary a curriculum of general and specialized programs from which judges may select, for the most part, those courses that will assist them in meeting their professional obligations. In accordance with the Judicial Conference recommendation, as subsequently amended by the former Executive Committee, the following will serve to continue the Judicial Institute of Maryland.

2.     Judicial Institute of Maryland.

a.     The Institute bears the responsibility for the development, implementa-

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tion and evaluation of a program of in-state continuing education for all Maryland judges, both active and approved for recall, and is responsible to the Judicial Conference for judicial education and training as described in this Order.

b. A Board of Directors is established as the Institute's governing body to supervise this function.

c. The Board will be composed of 14 members: one judge from each of the appellate courts; four judges from the circuit courts; four judges from the District Court; one judge from the orphans' courts; one representative each from the University of Maryland School of Law and University of Baltimore School of Law; and a representative from MICPEL, Inc.

d. The Chairperson and all other members of the Board of Directors shall be appointed by the Chief Judge of the Court of Appeals of Maryland. Appointment of the representatives from the University of Maryland School of Law and the University of Baltimore School of Law shall be made after consultation with the Deans of the respective schools. Appointment of a representative from MICPEL, Inc. will be made after consultation with the Chairperson of the Board of Trustees of MICPEL, Inc.

e. The term of the Chairman of the Board of Directors is three years and until a successor is appointed. The term of each other member of the Board of Directors is two years and until a successor is appointed. Members serving on the Board as of the effective date of this Order shall serve for the remainder of the term for which they were appointed before the effective date of this Order and until their successor is appointed.

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f. The Institute will be staffed by personnel in the Court Information Office.

3. Operations of the Judicial Institute.

a. The Institute will offer an annual curriculum, recruit and select participating instructional staff, propose the annual budget of the Institute, advertise Institute courses to the Maryland Judiciary, and make the necessary conference arrangements. Support to instructional staff shall be provided in setting course objectives, selecting instructional techniques, developing training aids, offering research services, assisting with instructional materials, and evaluating Institute programs.

b. Instructional staff shall be recruited and selected from members of the Bench at all court levels. In addition, instructors have the flexibility of contacting co-instructors or facilitators from the faculties of law schools and other professions that relate to the judicial system or the program's content. For specialized courses and regional conferences, instructors may be selected from other disciplines. The prime effort and budgetary allocations, however, will be directed to developing instructors from the Maryland bench. Use of budgeted funds for payment of honoraria or expenses to instructors must be approved in advance by the Chief Judge of the Court of Appeals.

c. Under the direction of the Judicial Institute's Board of Directors, instructional staff may be recruited and contacted by the administrative staff of the Institute.

d. When a prospective instructor from the Maryland Judiciary has agreed

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to accept an instructional assignment, the administrative staff shall inform the Board of Directors and the administrative judge of that judge's court or, in the case of an orphans' court judge, the chief judge of that judge's court.

e. The administrative or chief judge shall work with the instructor judge in providing adequate course development time.

f. The instructor shall be encouraged to submit a course outline to the Judicial Institute at least three months prior to the scheduled course.

g. The administrative staff shall maintain ongoing contact with the instructors and provide any necessary preparatory services. The staff shall report regularly to the Chairperson of the Judicial Institute on the progress of each program's development.

h. Course descriptions, times, locations, and application procedures shall be circulated to all members of the Judiciary and retired judges approved for recall prior to the date of the course. Absent excusal by the Chief Judge of the Court of Appeals, each active judge, other than a judge of an orphans' court, shall attend one or more courses with a cumulative program length of two days per year. The selection of Institute specialty courses that last for two days or longer will limit the judge to that course selection. Instructional time will be counted towards available student time for Institute instructors, with leave for instructional time and student time governed by the Administrative Order on Judicial Absences from Court.

i. When a course has been over-subscribed, priority will be given to first

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choice for attendance on the basis of individual professional need, time of application, and bench assignment. All effort will be made to schedule those unselected judges into their second choice for attendance based on the same priorities. Notification of course acceptance will be sent to the applicant and the applicant's administrative judge or, in the case of a judge of an orphans' court, the applicant's chief judge.

j. The administrative staff shall construct instruments to evaluate each program and shall communicate the results to the Judicial Institute's Board of Directors and the individual instructor.

4. Funding of the Judicial Institute.

a. Basic funds for the operation of the Institute shall be allocated in the annual budget of the Court of Appeal's Court Information Office.

b. Outside funding sources shall be developed to support special programs to expand the capability for participation in national judicial educational programs, and to provide research services to the instructional staff.

AND BE IT FURTHER ORDERED, That the Administrative Order on Judicial Absences, dated October 22, 2001, is amended in part to read as follows:

13. Judicial Educational Programs.

a. In-State.

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(1) Subject to paragraphs 2 and 4A THROUGH D(2)(C) AND E of this Order, the appropriate administrative judge [may] SHALL allow a circuit or district court judge to be absent from court, for up to 2 days, to attend or teach a program of the Judicial Institute of Maryland.

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Robert M. Bell  
Chief Judge  
Court of Appeals of Maryland

Filed:

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Alexander L. Cummings  
Clerk  
Court of Appeals of Maryland

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